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	Application Number	09/540,977
	Filing Date	March 31, 2000
	First Named Inventor	Robert GILJUM
	Art Unit	2178
(to be sued for all correspondence after initial filing)	Examiner Name	Adam M. Queler
Total number of pages in this submission	28	Attorney Docket No.: 50277-1922

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See 37 C.F.R. §§ 1.27 AND 1.28

**Complete if Known**

Application Number 09/540,977

Filing Date March 31, 2000

First Named Inventor Robert GILJUM

Examiner Name Adam M. Queler

Group/Art Unit 2178

Attorney Docket No. 50277-1922

TOTAL AMOUNT OF PAYMENT (\$)**500.00****METHOD OF PAYMENT (check one)**

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**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	\$500.00
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1504	300	2504	300	Publication Fee	
1462	400	1462	400	Petitions Director not specifically provided for Group I	
1463	200	1463	200	Petitions Director not specifically provided for Group II	
1464	130	1464	130	Petitions Director not specifically provided for Group III	
1806	180	1806	180	Submission of information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
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1111	500	2111	250	Utility Search fee	
1311	200	2311	100	Utility Examination fee	
1081	250	2081	125	Utility Application Size Fee	
1005	200	2005	100	Provisional Application Fee	
1085	250	20835	125	Provisional Application Size Fee	
SUBTOTAL (1)					(\$)

**2. EXTRA CLAIM FEES**

	Highest Paid Claims	Extra Claims	Fee from Below	Fee Paid
Total Claims	-20**=		50.00	0.00
Independent Claims	-3**=		200.00	0.00
Multiple Dependent				

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Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	**Reissue independent claims over original patent
1205	50	2205	25	**Reissue claims in excess of 20 and over original patent

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SUBTOTAL (3)

(\$)**500.00****SUBMITTED BY**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Robert Giljum et al.

Serial No.: 09/540,977

Filed: March 31, 2000

**For: A SYSTEM FOR CREATING AND  
MAINTAINING A WEB SITE**

[illegible]

Confirmation Number: 2674

Group Art Unit: 2178

Examiner: Adam M. Queler

## Mail Stop Appeal Brief - Patents

Hon. Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

# APPEAL BRIEF

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed August 31, 2006.

11/06/2006 CNEGAI 00000017 09540977

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**REAL PARTY IN INTEREST**

Oracle International Corporation is the real party in interest.

## **RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any related appeals and interferences.

## **STATUS OF CLAIMS**

Claims 1-20 have been cancelled.

Claims 21-32 stand rejected under 35 U.S.C. § 103(a) for allegedly being obvious over U.S. Patent No. 6,233,600 issued to Salas et al. ("*Salas*") in view of U.S. Patent Application No. 2002/0133494 issued to Goedken ("*Goedken*").

It is from this rejection of Claims 21-32 that this Appeal is taken.

## **STATUS OF AMENDMENTS**

The Claims have not been amended after the Office Action mailed June 1, 2006.



## **SUMMARY OF CLAIMED SUBJECT MATTER**

The independent claims describe an approach for managing content at a web site (see page 44, lines 3-10). A first request, from a user, to create a particular content item in a particular folder associated with the web site, is received (see page 19, lines 2-13; page 27, lines 10-23; page 28, line 1 – page 33, line 5). In response to the first request, permission data is inspected to determine that the user has create-with-approval privileges relative to the particular folder (see page 19, lines 18-20; page 43, lines 1-9).

In response to determining that the user has create-with-approval privileges relative to the particular folder, the particular content item is added to the particular folder in a not-publicly-visible state (see page 44, lines 6-9).

In response to receiving input that grants approval for the particular item to be created in the particular folder, the state of the particular content item is changed to a publicly-visible state (see page 44, lines 6-9).

A second request is received. In response to the second request, a current state of the particular content item is determined. If the current state of the particular content item is the publicly-visible state, then the second request is responded to by providing a web page that includes the particular content item (see page 44, lines 6-10; page 6, lines 7-18; page 7, lines 7-16). On the other hand, if the current state of the particular content item is in the not-publicly-visible state, then the second request is responded to by providing a web page that does not include the particular content item (see page 44, lines 6-9; page 6, lines 7-18; page 7, lines 7-16).

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Whether Claims 21-32 are unpatentable under 35 U.S.C. § 103(a) over *Salas* in view of *Goedken*.

## ARGUMENTS

Even if the cited references were to be properly combined, each of the pending claims recites a combination of elements that are not disclosed, taught, or suggested by *Salas* and *Goedken*, either individually or in combination.

### Claims 21 and 27

Claims 21 and 27 feature:

“receiving a first request from a user to create a particular content item in a particular folder associated with the web site;  
in response to the first request, inspecting permission data to determine that said user has create-with-approval privileges relative to said folder;  
in response to determining that said user has create-with-approval privileges relative to said particular folder, adding said particular content item to said particular folder in a not-publicly-visible state;  
in response to receiving input that grants approval for the particular item to be created in the particular folder, changing the state of the particular content item to a publicly-visible state;  
receiving a second request;  
in response to the second request, determining a current state of the particular content item;  
if the current state of the particular content item is the publicly-visible state, then responding to the second request by providing a web page that includes said particular content item; and  
if the current state of the particular content item is in the not-publicly-visible state, then responding to the second request by providing a web page that does not include said particular content item”

### The Office Action’s rejection does not identify any of the above elements

The Office Action has rejected Claims 21 and 27 based on a combination of *Salas* and *Goedken*. However, the Office Action does not particularly identify where any individual elements of Claims 21 and 27 are allegedly shown by any cited reference.

Instead, the Office Action merely states subject matter that *Salas* allegedly teaches or *Goedken* allegedly teaches, without explaining (a) which element(s) this subject matter is allegedly analogous to or (b) why this subject matter is allegedly analogous to a claim element.

For example, rather than providing an explanation as to why the element of “in response to the first request, inspecting permission data to determine that said user has create-

with-approval privileges relative to said folder” is shown by a reference, the Office Action simply states “*Salas* teaches in response to the request inspecting permission data for the user for the folder (col. 13, ll. 28-30).” Although not argued by the Office Action, Applicants feel it is reasonable to assume that, while this subject matter fails to mention a create-with-approval privilege relative to a folder, the position of the Office Action is that this subject matter teaches the aforementioned “inspecting permission” element of Claims 21 and 27. However, Applicants cannot guess where the Office is purporting that other elements are allegedly shown by the cited references. For example, the Office Action fails to identify where any of the following references are allegedly shown:

- in response to receiving input that grants approval for the particular item to be created in the particular folder, changing the state of the particular content item to a publicly-visible state;
- receiving a second request;
- in response to the second request, determining a current state of the particular content item;
- if the current state of the particular content item is the publicly-visible state, then responding to the second request by providing a web page that includes said particular content item; and
- if the current state of the particular content item is in the not-publicly-visible state, then responding to the second request by providing a web page that does not include said particular content item

It is improper to reject Claims 21 and 27 without providing the Applicants an explanation as to why each element of Claims 21 and 27 is shown by the cited art. However, Applicants have not been given any explanation as to why the above-elements are disclosed, taught, or suggested by the cited art beyond the general statement of “*Goedken* discloses a database system where additions to the system are not visible until approved by an administrator” (see page 3). This assertion does not explain where any of the above-elements are allegedly shown, e.g., this has nothing to do with providing a web page as claimed by certain of the above-elements. Consequently, the rejection of Claims 21 and 27 made under 35 U.S.C. § 103(a) over *Salas* in view of *Goedken* is not proper and may not be properly maintained.

**Salas is fundamentally different than Claims 21 and 27**

It appears to be the Office Action's position that, rather than relying upon an actual teaching provided by one or more references to show the above-quoted elements, the Office Action is rejecting Claims 21 and 27 based upon what would have been obvious in view of a hypothetical teaching that includes a combination of *Salas* and *Goedken*. While the combination of *Salas* and *Goedkin* has not been properly made, even if *Salas* were to be properly combined with *Goedken*, numerous elements of Claim 1 would still not be disclosed, taught, or suggested, as both *Salas* and *Goedken* are fundamentally different than Claims 21 and 27.

The Office Action acknowledges, "***Salas* does not explicitly disclose the visibility of items prior to owner approval**" (page 3 of the Office Action of January 13, 2006). Claims 21 and 27 are directed towards adding an item to a folder in a not-publicly-visible state; however, *Salas* lacks any teaching or suggestion of this concept. This is so because *Salas* is directed towards the creation of web pages based upon a template. The templates, and each web page created from a template, are always visible to a user. *Salas* does not teach or suggest adding an item, to a folder, in a not-publicly visible state, nor does the Office Action identify any portion of *Salas* that allegedly teaches adding an item, to a folder, in a not-publicly visible state.

Any element that is directed towards a concept that a reference does not show cannot be taught or rendered obvious by that reference. As a result, *Salas* cannot disclose, teach, or suggest at least the following elements recited in Claims 21 and 27:

- in response to the first request, inspecting permission data to determine that said user has create-with-approval privileges relative to said folder;
- in response to determining that said user has create-with-approval privileges relative to said particular folder, adding said particular content item to said particular folder in a not-publicly-visible state;
- in response to receiving input that grants approval for the particular item to be created in the particular folder, changing the state of the particular content item to a publicly-visible state;
- if the current state of the particular content item is the publicly-visible state, then responding to the second request by providing a web page that includes said particular content item; and
- if the current state of the particular content item is in the not-publicly-visible state, then responding to the second request by providing a web page that does not include said particular content item"

*Salas* cannot show the above elements because *Salas* does not disclose the concept of the visibility of items prior to owner approval. For example, *Salas* lacks any teaching or suggestion of “inspecting permission data to determine that said user has create-with-approval privileges relative to said folder.” As another example, *Salas* lacks any teaching or suggestion of “adding said particular content item to said particular folder in a not-publicly-visible state,” let alone “in response to determining that said user has create-with-approval privileges relative to said particular folder, adding said particular content item to said particular folder in a not-publicly-visible state” as featured by Claims 21 and 27. As an additional example, *Salas* lacks any teaching or suggestion of “changing the state of the particular content item to a publicly-visible state,” let alone “in response to receiving input that grants approval for the particular item to be created in the particular folder, changing the state of the particular content item to a publicly-visible state” as featured by Claims 21 and 27.

Moreover, no portion of *Salas* is identified or relied upon by the Office Action to show the concepts of: (a) a create-with-approval privileges relative to a folder, (b) adding said particular content item to said particular folder in a not-publicly-visible state, or (c) changing the state of the particular content item to a publicly-visible state, let alone the above-discussed elements of Claims 21 and 27.

Consequently, *Salas* cannot possibly disclose, teach, or suggest any of the above quoted-elements recited in Claims 21 and 27.

**Goedken is fundamentally different than Claims 21 and 27**

*Goedken* also is fundamentally different than the approach of Claims 21 and 27. Numerous concepts that many elements of Claims 21 and 27 require are lacking from *Goedken*. For example, **the concept of a folder is absent of *Goedken***. The Office Action implicitly acknowledges that *Goedken* does not disclose folders (page 3 of the Office Action of January 13, 2006), as the Office Action indicates that *Salas* is replied upon to show “this feature.” However, many of the above-elements of Claims 21 and 27 require the use of a folder.

As *Goedken* fails to discuss the concept of a folder, ***Goedken cannot teach or suggest adding an item, to a folder, in a not-publicly visible state***, nor does the Office Action identify any portion of *Goedken* that allegedly teaches adding an item, to a folder, in a not-publicly visible state.

Another fundamental difference between *Goedken* and Claims 21 and 27 is that *Goedken* is not directed towards managing content in a web site, but instead, is directed towards asking and answering questions over email. As a result, ***Goedken lacks any teaching or suggestion of an approach that involves a web page or a web site***. However, many elements of Claims 21 and 27 require the use of a web page or a web suite. As a result, *Goedken* cannot disclose, teach, or suggest at least the following elements recited in Claims 21 and 27:

“receiving a first request from a user to create a particular content item in a particular folder associated with the web site;  
in response to the first request, inspecting permission data to determine that said user has create-with-approval privileges relative to said particular folder;  
in response to determining that said user has create-with-approval privileges relative to said particular folder, adding said particular content item to said particular folder in a not-publicly-visible state;  
in response to receiving input that grants approval for the particular item to be created in the particular folder, changing the state of the particular content item to a publicly-visible state;  
if the current state of the particular content item is the publicly-visible state, then responding to the second request by providing a web page that includes said particular content item; and  
if the current state of the particular content item is in the not-publicly-visible state, then responding to the second request by providing a web page that does not include said particular content item” (emphasis added)

As illustrated above in the above-underlined portions of the quoted-elements, the above elements each require the use of a concept that *Goedken* does not teach or suggest. Consequently, *Goedken* cannot possibly disclose, teach, or suggest any of the above quoted-elements recited in Claims 21 and 27.

**The combination of *Salas* and *Goedken* does not show numerous elements of Claims 21 and 27**

Even if *Salas* and *Goedken* were to be properly combined, the resulting combination would still fail to show subject matter recited by Claims 21 and 27, e.g., the resulting combination would fail to show adding an item, to a folder, in a not-publicly visible state. Indeed, the resulting combination would still fail to disclose, teach, or suggest the union of (a) those elements in Claims 21 and 27 that *Salas* fails to disclose, teach, or suggest and (b) those elements in Claims 21 and 27 *Goedken* fails to disclose, teach, or suggest, which would include at least the following elements:

- in response to the first request, inspecting permission data to determine that said user has create-with-approval privileges relative to said particular folder;
- in response to determining that said user has create-with-approval privileges relative to said particular folder, adding said particular content item to said particular folder in a not-publicly-visible state;
- in response to receiving input that grants approval for the particular item to be created in the particular folder, changing the state of the particular content item to a publicly-visible state;
- if the current state of the particular content item is the publicly-visible state, then responding to the second request by providing a web page that includes said particular content item; and
- if the current state of the particular content item is in the not-publicly-visible state, then responding to the second request by providing a web page that does not include said particular content item”

MPEP § 2106, II, C states:

[W]hen evaluating the scope of a claim, every limitation in the claim must be considered. Office personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered. (emphasis in original).

Contrary to MPEP § 2106, II, C, the Office Action argues that the combined teachings of *Salas* and *Goedken* teaches or suggests the elements of a claim, while acknowledging the individual references do not. However, if reference A does not teach or suggest an element of a claim, and reference B does not teach or suggest the element, then logically the combination of reference A and reference B cannot teach or suggest the element. Thus, even though *Salas* or *Goedken* may each individually use some of the same words as used in a



claim element, or teach a portion of the full and complete concept represented by a claim element, the combination of *Salas* and *Goedken* would still fail to teach or suggest the subject matter recited in many claim elements in their entirety.

To illustrate, to support an obviousness rejection, the Applicant would expect an argument that has the following form: (1) element X is shown in reference A, (2) element Y is shown in reference B, and (3) there is some actual suggestion to combine the references A and B to create the mechanism or technique that has both elements X and Y.

However, the Office Action does not support the obviousness rejections in that manner. Rather, to support the obviousness rejections, not only has each claim been divided into its constituent elements, but also each constituent element of the claim has been finely dissected into a set of sentence fragments. The Office Action then points out how each individual fragment corresponds to a similar fragment in a cited reference. The fragment-to-prior-art correlation appears to have been made without any consideration as to the relationship between the fragments, the meaning of the elements as a whole, and the meaning of the claim as a whole. It is respectfully submitted that a claim may not be properly rejected simply because each word or phrase in the claim appears or is discussed in a prior art reference, without regard to what meaning is ascribed to the word or phrase given its placement in the claim.

Numerous elements recited in Claims 21 and 27 would not be obvious to one skilled in the art that was in possession of both *Salas* and *Goedken*. For example, Claims 21 and 27 recite the element of “in response to determining that said user has create-with-approval privileges relative to said particular folder, adding said particular content item to said particular folder in a not-publicly-visible state.” This element requires that a content item be added to a particular folder in a non-publicly-visible state in response to determining that a user has create-with-approval privileges relative to the particular folder. Neither *Salas* nor *Goedken* teaches or suggests adding an item, to a folder, in a non-publicly-visible state, let alone the requirements of this element. The teachings of *Salas* do not render this element obvious because the web pages of *Salas* are always visible after creation. The teachings of *Goedken* do not render this element obvious because *Goedken* lacks any teaching of adding a content item to a particular folder or a create-with-approval privilege relative to a particular folder. Instead, *Goedken* is directed towards exchanging email. An email is always visible –

in fact, the entire utility of email requires that an email is always visible to a user. In fact, *Goedken* does not contain any teaching or suggestion of creating anything that is not visible until approved. Thus, *Goedken* does not contain any teaching analogous to adding an item, to a folder, in a non-publicly-visible state. Consequently, one of ordinary skill in the art would not find this element obvious over *Salas* and *Goedken* because *Salas* and *Goedken* are both directed to markedly different subject matter than that recited by this element.

As another example, Claims 21 and 27 also recite the element of “if the current state of the particular content item is in the not-publicly-visible state, then responding to the second request by providing a web page that does not include said particular content item.” This element requires that a web page be provided that does not include a particular content item if the current state of the particular content item is a non-publicly-visible state. Neither *Salas* nor *Goedken* teaches or suggests generating a web page in this manner. The teachings of *Goedken* do not render this element obvious because *Goedken* lacks any teaching of creating a web page at all. Instead, *Goedken* is directed towards exchanging email, and does not contain any suggestion of providing a web page. The teachings of *Salas* do not render this element obvious because the web pages of *Salas* are based on templates, and are not based on any particular state of a content item. In fact, *Salas* does not even contain a suggestion of a content item may have or may not have publicly-visible state. No portion of *Salas* discusses determining whether a content item has a state that is publicly visible or not publicly visible. Consequently, one of ordinary skill in the art would not find this element obvious over *Salas* and *Goedken* because *Salas* and *Goedken* are both directed to different subject matter than that recited by this element.’

As another example, Claims 21 and 27 recite “in response to receiving input that grants approval for the particular item to be created in the particular folder, changing the state of the particular content item to a publicly-visible state.” This element requires that the state of a particular content item, created in a folder, be **changed** to a publicly-visible state. The Office Action does not even allege that either *Salas* or *Goedken* shows this subject matter. At best, the Office Action identifies paragraph 74 of *Goedken* as showing “a database system where additions to the system are not visible until approved by an administrator.” However, this portion of *Goedken* lacks any teaching or suggestion of (a) receiving input that grants

approval for the particular item to be created in the particular folder or (b) changing the state of a particular content item in a folder to a publicly-visible state.

Instead, this portion of *Goedken* discusses routing status change messages and category change messages to an administrator. However, the status change messages and category change messages of *Goedken* are quite different than viewing a content item in a folder. For example, *Goedken* teaches that one needs administrator approval before performing an action, whereas Claims 21 and 27 describe an approach where the action is already performed (the content item has already been added to the folder), but a user may grant approval for the content item to be visible to others. As a result, the concepts discussed in *Goedken* are orthogonal to the requirements of this element. As a result, this element cannot be disclosed, taught, or suggest by *Salas* or *Goedken*, either individually or in combination.

As at least one element recited by each of Claims 21 and 27 would not be obvious to one skilled in the art that was in possession of both *Salas* and *Goedken*, it is submitted that Claims 21 and 27 patentable over *Salas* and *Goedken*, either individually or in combination.

**Salas and Goedken have not been properly combined**

The Office Action has not supplied a sufficient motivation to combine the references. The Office Action states that it would have been obvious to combine the teachings of *Salas* and *Goedken* because:

This motivation of *Salas* with the teachings of *Goedken* by one of ordinary skill would have several effects on the invention of *Salas*. Namely it would add *Goedken*'s feature of administrator review. The "create" privilege of *Salas* would be in effect a "create-with-approval" privilege, as that is what the user would have permission to do. Since the change is in the system for review it has been "added" but is not publicly visible as it has not been accepted. As *Goedken* suggests acting it after approval it would then become publicly visible upon approval. Likewise, before approval the request of *Salas* would get the last approved version of the web page with content item, and after approval, the request would return the one that has been through the approval process of *Goedken*. (italics added; see page 3 of the Office Action).

However, notwithstanding the fact that neither *Salas* nor *Goedken* disclose numerous claim elements, the Applicant respectfully submits that there is nothing in either *Salas* or *Goedken* that teaches or suggests combining their respective teachings.

As stated in the Federal Circuit decision *In re Dembiczak*, 50 USPQ.2d 1617 (Fed. Cir. 1999), (citing *Gore v. Garlock*, 220 USPQ 303, 313 (Fed. Cir. 1983)), “it is very easy to fall victim to the insidious effect of the hindsight syndrome where that which only the inventor taught is used against its teacher.” *Id.* The Federal Circuit stated in *Dembiczak* “that the best defense against subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or suggestion to combine prior art references.” *Id.* Thus, the Federal Circuit explains that a proper obviousness analysis requires “***particular factual findings*** regarding the locus of the suggestion, teaching, or motivation to combine prior art references.” *Id.* (emphasis added).

In particular, the Federal Circuit states:

“We have noted that evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved...although ‘the suggestion more often comes from the teachings of the pertinent references’...The range of sources available, however, does ***not diminish the requirement for actual evidence***. That is, the ***showing must be clear and particular***...Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence.’” *Id.* (emphasis added; internal citations omitted).

Neither *Salas* nor *Goedken* show any suggestion, teaching, or motivation to combine their teachings, nor does the Office Action provide a “clear and particular” showing of the suggestion, teaching, or motivation to combine their teachings. In fact, the only motivation provided in the Office Action is the hindsight observation that by combining features of those references, one may achieve the benefits achieved from the invention as described and claimed in the application. It is respectfully submitted that such a hindsight observation is not consistent with the Federal Circuit’s requirement for “particular factual findings.”

Consequently, it is respectfully submitted that *Salas* and *Goedken*, either taken individually or in combination, do not disclose, teach, or suggest one or more express elements of Claims 21 and 27. Consequently, Claims 21 and 27 are patentable over the cited art and are each in condition for allowance.

**Claims 22-26 and 28-32**

Claims 22-26 and 28-32 are dependent claims, each of which directly depends on one of the Claims 21 and 27. Each of Claims 22-26 and 28-32 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 22-26 and 28-32 introduce one or more additional limitations that independently render it patentable.

To illustrate, Claims 25 and 31 recite the feature of:

“in response to receiving input from a folder owner, associating a style attribute with the particular folder, wherein the style attribute describes how to display content items that belong to the particular folder; and displaying the particular content item in accordance with the style attribute”

*Salas* and *Goedken*, individually or in combination, fail to disclose, teach, or suggest this element. The Office Action relies upon *Salas* (Col. 7, lines 8-10) to show these elements; however, this portion merely states, *in toto*:

eRoom information in a template includes sections controlling the page itself, the controls on it, and the way the page's data is presented the page is created or edited.

Claims 25 and 31 require that, at a minimum, a style attribute is associated with a folder, and that a content item in that folder is displayed according to that style attribute. On the other hand, the cited portion of *Salas* lacks any teaching or suggestion of this concept. At best, *Salas* states that a template may include a section that control how the web page is presented. However, the template of *Salas* is not analogous to a folder. As such, there is nothing in this section, or any other section of *Salas*, that describes anything analogous to a style attribute that describes how to display content items that belong to a particular folder. A web page that is based upon a template is not analogous to a content item that belongs to a folder. Thus, while the template of *Salas* may include information about how to display web pages based on the template, this is not analogous to a style attribute that describes how to display content items that belong to a particular folder. Consequently, Claims 25 and 31 are not disclosed, taught, or suggested by the cited art.

As another example, Claims 26 and 32 recite the feature of:

“in response to determining that said user is a folder owner or has manage-item-privileges relative to said particular folder, adding said particular content item to said particular folder in a publicly-visible state”

*Salas* and *Goedken*, individually or in combination, fail to disclose, teach, or suggest this element. No reference is cited to show the additional requirements of Claims 26 and 32, as the Office Action states “given the obviousness of the combination as described above, it would have been further obvious to directly add those items added by an administrator as they would have the implied approval of the administrator, and therefore would be publicly visible.”

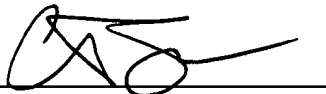
However, the Office Action concedes “*Salas* and *Goedken* do not specifically address an administrator or coordinator adding data.” Claims 26 and 32 also recite subject matter, for example a manage-item-privilege relative to a particular folder, which is not recited by any other claim. In view of the concession that *Salas* and *Goedken* do not specifically address an administrator or coordinator adding data, and in view of the fact that the Office has not provided any reason why any reference allegedly shows a manage-item-privilege relative to a particular folder, it is improper to reject Claims 26 and 32 without providing some explanation as to why the subject matter, recited exclusively by Claims 26 and 32, is shown by the cited references.

### **Conclusion**

The rejections made under 35 U.S.C. § 103(a) lack the requisite factual and legal basis. *Salas* and *Goedken*, individually and in combination, fail to disclose or suggest numerous claim limitations. Appellants respectfully submit that the imposed rejections under 35 U.S.C. § 103(a) are not viable and respectfully solicit the Honorable Board to reverse each of the imposed rejections under 35 U.S.C. § 103(a).

Respectfully submitted,

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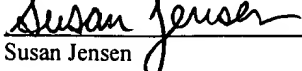
Date: October 31, 2006

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on October 31, 2006

by   
Susan Jensen

## CLAIM APPENDIX

1 1-20. (Cancelled).

1 21. (Previously presented) A machine-implemented method of managing content at a web  
2 site, the method comprising:  
3 receiving a first request from a user to create a particular content item in a particular  
4 folder associated with the web site;  
5 in response to the first request, inspecting permission data to determine that said user  
6 has create-with-approval privileges relative to said particular folder;  
7 in response to determining that said user has create-with-approval privileges relative  
8 to said particular folder, adding said particular content item to said particular  
9 folder in a not-publicly-visible state;  
10 in response to receiving input that grants approval for the particular item to be created  
11 in the particular folder, changing the state of the particular content item to a  
12 publicly-visible state;  
13 receiving a second request;  
14 in response to the second request, determining a current state of the particular content  
15 item;  
16 if the current state of the particular content item is the publicly-visible state, then  
17 responding to the second request by providing a web page that includes said  
18 particular content item; and  
19 if the current state of the particular content item is in the not-publicly-visible state,  
20 then responding to the second request by providing a web page that does not  
21 include said particular content item.

1 22. (Previously presented) The method of Claim 21, wherein receiving the first request  
2 comprises:  
3 receiving the first request to create the particular content item in the particular folder  
4 by storing the particular content item in a database in a location that identifies  
5 the particular content item resides in the particular folder.

1 23. (Previously presented) The method of Claim 21, further comprising:

2 after the particular content item has been added to said particular folder in a not-  
3 publicly-visible state, updating mapping data that indicates a folder-to-content  
4 item mapping.

1 24. (Previously presented) The method of Claim 21, wherein the create-with-approval  
2 privilege was granted to the user by a folder owner of the particular folder.

1 25. (Previously presented) The method of Claim 21, further comprising:  
2 in response to receiving input from a folder owner, associating a style attribute with  
3 the particular folder, wherein the style attribute describes how to display  
4 content items that belong to the particular folder; and  
5 displaying the particular content item in accordance with the style attribute.

1 26. (Previously presented) The method of Claim 21, further comprising:  
2 in response to determining that said user is a folder owner or has manage-item-  
3 privileges relative to said particular folder, adding said particular content item  
4 to said particular folder in a publicly-visible state.

1 27. (Previously presented) A machine-readable medium carrying one or more sequences  
2 of instructions for managing content at a web site, wherein execution of the one or  
3 more sequences of instructions by one or more processors causes:  
4 receiving a first request from a user to create a particular content item in a particular  
5 folder associated with the web site;  
6 in response to the first request, inspecting permission data to determine that said user  
7 has create-with-approval privileges relative to said particular folder;  
8 in response to determining that said user has create-with-approval privileges relative  
9 to said particular folder, adding said particular content item to said particular  
10 folder in a not-publicly-visible state;  
11 in response to receiving input that grants approval for the particular item to be created  
12 in the particular folder, changing the state of the particular content item to a  
13 publicly-visible state;  
14 receiving a second request;



15 in response to the second request, determining a current state of the particular content  
16 item;  
17 if the current state of the particular content item is the publicly-visible state, then  
18 responding to the second request by providing a web page that includes said  
19 particular content item; and  
20 if the current state of the particular content item is in the not-publicly-visible state,  
21 then responding to the second request by providing a web page that does not  
22 include said particular content item.

1 28. (Previously presented) The machine-readable medium of Claim 27, wherein receiving  
2 the first request comprises:  
3 receiving the first request to create the particular content item in the particular folder  
4 by storing the particular content item in a database in a location that identifies  
5 the particular content item resides in the particular folder.

1 29. (Previously presented) The machine-readable medium of Claim 27, wherein  
2 execution of the one or more sequences of instructions by the one or more processors  
3 further causes:  
4 after the particular content item has been added to said particular folder in a not-  
5 publicly-visible state, updating mapping data that indicates a folder-to-content  
6 item mapping.

1 30. (Previously presented) The machine-readable medium of Claim 27, wherein the  
2 create-with-approval privilege was granted to the user by a folder owner of the  
3 particular folder.

1 31. (Previously presented) The machine-readable medium of Claim 27, wherein  
2 execution of the one or more sequences of instructions by the one or more processors  
3 further causes:  
4 in response to receiving input from a folder owner, associating a style attribute with  
5 the particular folder, wherein the style attribute describes how to display  
6 content items that belong to the particular folder; and  
7 displaying the particular content item in accordance with the style attribute.

1    32.    (Previously presented) The machine-readable medium of Claim 27, wherein  
2           execution of the one or more sequences of instructions by the one or more processors  
3           further causes:  
4           in response to determining that said user is a folder owner or has manage-item-  
5                   privileges relative to said particular folder, adding said particular content item  
6                   to said particular folder in a publicly-visible state.

**EVIDENCE APPENDIX**

None.

**RELATED PROCEEDINGS APPENDIX**

None.